

# **Attachment A**

# CRAIG BALL

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ESI Special Master and Texas Attorney  
Certified Computer Forensic Examiner  
Author and Educator

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I am a Texas attorney in good standing with 40 years of experience. For the past 23 years, I've limited my practice to a specialty in electronic discovery and digital evidence, helping to inform and shape that discipline. Previously, I was lead counsel in complex litigation.

I am a formally trained and certified computer forensic examiner, and I hold multiple certifications in data recovery and electronic discovery. I teach Electronic Discovery at the graduate school level and counsel lawyers and courts and businesses and governments on the strategy and management of e-discovery. I've published extensively on electronic discovery, including writing a nationally syndicated column for nine years and the *E-Discovery Workbook*, a text widely used by law professors teaching the subject.

On 48 occasions, I have served as a court-appointed Special Master in Electronically Stored Information, a role which requires me to oversee, direct and assess electronic discovery in complex, often high-profile litigation.

I currently serve as General Counsel for the Electronic Discovery Reference Model, and I have held various leadership roles in other groups charged with the creation and refinement of standards and best practices for electronic discovery, including The Sedona Conference Working Group 1 and the Federal Judicial Center. I served on the committee that drafted the current Maryland Federal Courts' Guidelines for Electronic Discovery, the only out-of-state attorney invited to participate.

I've delivered more than 2,200 publications and speeches throughout the nation and abroad on e-discovery and computer forensics. I advise foreign and domestic corporations as well as governmental units on the design, implementation and operation of electronic discovery and compliance functions. I've testified on e-discovery rulemaking before the Federal Rules committee, and at publishers' requests, I've written on the essential features and design of leading electronic discovery software platforms.

Electronic discovery and digital evidence have been my full-time focus for as long as they've been discrete disciplines. I am regularly hands-on with systems and data, fluent in the sources and forms of ESI and conversant in all phases of the EDRM. I believe I enjoy a long-recognized and -esteemed position as a trusted thought leader in e-discovery, and I've devoted countless hours to devising ways to make electronic evidence more accessible and affordable for all. I understand e-discovery's challenges and embrace the obligation to stay abreast of changing technologies. E-discovery competence demands vigilant attendance to emerging caselaw, standards, regulations and tools. That's a full-time job, and it's been my full-time job for decades.

## CAREER HIGHLIGHTS

**Current Position (since 1991):** President, Craig D. Ball, P.C. law firm, practice limited service as a court-appointed Special Master in ESI and consultancy in electronic discovery and computer forensics.

**Current Position (since 2011):** Adjunct Professor, University of Texas School of Law, teaching Electronic Discovery and Digital Evidence. (Spring Semesters)

**Current Position (since 2008):** Faculty and Founder, Georgetown University Law Center E-Discovery Training Academy, a week-long boot camp in e-discovery. (Summer term)

**Current Position (since 2020):** Adjunct Professor, Tulane University School of Law, teaching Electronic Evidence and Information Technology for Trial Lawyers. (Fall semesters)

**Current Position (since 2020):** General Counsel, Electronic Discovery Reference Model (EDRM)

## EDUCATION

Rice University (B.A., 1979, triple major); University of Texas (J.D., with honors, 1982); Oregon State University (Computer Forensics certification, 2003); EnCase Intermediate Reporting and Analysis Course (Guidance Software 2004); WinHex Forensics Certification Course (X-Ways Software Technology 2005); Certified Data Recovery Specialist (Forensic Strategy Services 2009); Nuix Certified E-Discovery Specialist (2014); numerous other classes on computer forensics and e-discovery.

## SELECTED PROFESSIONAL ACTIVITIES

Law Offices of Craig D. Ball, P.C.; licensed in Texas since 1982  
Board Certified in Personal Injury Trial Law by the Texas Board of Legal Specialization 1988-2019  
Certified Computer Forensic Examiner, Oregon State University and NTI  
Certified Computer Examiner (CCE), International Society of Forensic Computer Examiners  
Certified Data Recovery Specialist, Certified E-Discovery Specialist (Nuix)  
Faculty and Founder, Georgetown University Law Center, E-Discovery Training Academy  
Faculty, University of Texas School of Law, Adjunct Professor teaching Electronic Discovery & Digital Evidence  
Faculty, Tulane University School of Law, Adjunct Professor teaching Digital Evidence  
Instructor in Computer Forensics and Electronic Discovery, United States Department of Justice  
Lecturer on Electronic Discovery for Federal Judicial Center, FDIC (2019) and Texas Office of the Attorney General  
Board Member, Georgetown University Law Center Advanced E-Discovery Institute and E-Discovery Academy  
Board Member, International Society of Forensic Computer Examiners (*agency certifying computer forensic examiners*)  
Member, Sedona Conference WG1 on Electronic Document Retention and Production  
Member, Maryland Committee on Federal E-Discovery Guidelines, 2014-17 (civil and criminal committees)  
Special Master, Electronic Discovery, numerous federal and state tribunals  
Instructor, HTCIA Annual 2010, 2011 Cybercrime Summit, 2006, 2007; SANS Instructor 2009, PFIC 2010, CEIC 2011, 2012  
Special Prosecutor, Texas Commission for Lawyer Discipline, 1995-96  
Council Member, Computer and Technology Section of the State Bar of Texas, 2003-date; Chair 2015-2016  
Chairman: Technology Advisory Committee, State Bar of Texas, 2000-02  
President, Houston Trial Lawyers Association (2000-01); President, Houston Trial Lawyers Foundation (2001-02)  
Director, Texas Trial Lawyers Association (1995-2003); Chairman, Technology Task Force (1995-97)  
Member, Texas State Bar College  
Member, Continuing Legal Education Comm., 2000-04, Civil Pattern Jury Charge Comm., 1983-94, State Bar of Texas  
Life Fellow, Texas and Houston Bar Foundations  
Adjunct Professor, South Texas College of Law, 1983-88

## PUBLICATIONS

I've written and published about law and technology for more than 35 years. Most of that body of work concerns digital evidence, computer forensics and e-discovery. For nine years, I wrote a nationally syndicated column on electronic evidence called *Ball in Your Court*, published by American Lawyer Media, including numerous posts on the defunct site EDDUpdate.com (*reportedly available on Lexis/Nexis*). Additionally, my articles on digital evidence and e-discovery have been published by numerous Bar Associations, CLE providers and Bar journals, including the *ABA Journal*, *TRIAL* magazine and *Law Practice*. Since August of 2011, I regularly publish on electronic discovery and computer forensics on

my eponymous blog, *Ball in Your Court*, comprised of more than 200 essays through 2020. These essays are not listed below, however all of them are freely accessible at [ballinyourcourt.com](http://ballinyourcourt.com). Additional publications are linked at [craigball.com](http://craigball.com).

**Publications within the last 10 years include:**

1. The E-Discovery Workbook Spring 2021, Fall 2021, Spring 2022, Spring 2023
2. The Annotated ESI Protocol, Spring 2023
3. On the Other Side; Upping your Game in Zoom; The Advocate, Fall 2021
4. E-DISCOVERY: Requesting Parties Must Up their Game in Cybersecurity (Texas Bar Journal 12/20)
5. Perfect Preservation Letter Guide 2020
6. Social Media Content and E-Discovery (Texas Bar Journal 5/20)
7. E-Discovery Workbook (versions twice annually for last nine years)
8. Processing in E-Discovery: A Primer
9. Introduction to Digital Data, Computers and Storage (Chapter 4, *Essentials of E-Discovery*, 2Ed. 2019)
10. Introduction to Computer Forensics (Chapter 19, *Essentials of E-Discovery*, 2Ed. 2019)
11. Competency and Strategy in E-Discovery
12. Mobile to the Mainstream 2019, 2022
13. E-Discovery Update 2018/2019
14. Drafting Forensic Examination Protocols
15. Getting Critical Information from Tough Locations
16. Back It Up: Custodian-Directed Preservation of iPhone Data; Practical Law magazine 5/18
17. E-Discovery Strategies: A Dozen Tips for Requesting and Producing Parties (Texas Bar Journal 3/18)
18. Exercises in Lexical Search for Electronic Discovery; Georgetown Law
19. Luddite Lawyer's Guide to Computer Backup Systems
20. What Every Lawyer Should Know about E-Discovery
21. Opportunities and Obstacles: E-Discovery from Mobile Devices
22. Modern Requests for Forms That Function
23. Ten Tips for Judges Dealing with E-Discovery
24. E-Discovery on a Budget
25. The Luddite Lawyer's Guide to Digital Forensics
26. Are You Ready to Respond to IP Theft?
27. E-Discovery Project Management Checklist (with Browning Marean)
28. Electronic Discovery and Digital Evidence: Cases and Materials (editor and contributor)
29. The Case for Native Production, Practical Law magazine
30. Improving E-Discovery Outcomes with ESI Special Masters; Practical Law magazine
31. Lawyer's Guide to Forms of Production
32. The Plaintiff's Practical Guide to E-Discovery
33. E-Discovery and Digital Evidence (Mississippi College of Law 2014)
34. Musings on Meet & Confer: Ask the Right Questions
35. Collecting Gmail for Preservation
36. E-Discovery and Digital Evidence (Pennsylvania Bar Institute)
37. Nerdy Things Lawyers Should Know About Electronic Evidence (GULC/PBI/NALA)
38. Effective Preparation for Rule 26(f) Conference
39. Becoming a Better Witness on Digital Forensics
40. Musings on Technology Assisted Review
41. Selected Short Articles About Search in Electronic Discovery
42. Introduction to Digital Computers, Servers and Storage (2015)
43. Introduction to Digital Data, Computers and Storage (Chapter 4, *Essentials of E-Discovery* 2014)
44. Introduction to Computer Forensics (Chapter 19, *Essentials of E-Discovery* 2014)
45. Computer Forensics for Lawyers Who Can't Set a Digital Clock
46. Beyond Data About Data: The Litigator's Guide to Metadata
47. "Ball in Your Court" April 2005 – July 2013

48. Luddite Litigator's Guide to Databases in E-Discovery
49. Ten Things That Trouble Judges About E-Discovery
50. E-Discovery: A Special Master's Perspective
51. Surefire Steps to Splendid Search
52. Preservation of ESI After Layoffs
53. Geek Speak: A Lawyer's Guide to the Language of Data Storage and Networking
54. E-Discovery: Right from the Start – Employment Law Collection
55. Column for Forensic Focus, August 2011
56. Meeting the Challenge: E-Mail in Civil Discovery
57. Six for the Bench (Delaware Judicial Education Seminar)
58. Column for Forensic Focus, December 2010
59. E-Discovery: Right...from the Start (Texas Advanced Paralegal Seminar 2010)
60. Three for the Bench: National Workshop for District Judges, Federal Judicial Center
61. E-Discovery for Everybody: The Edna Challenge
62. First Responder's Guide to Employee Data Theft
63. Cross-examination of the Computer Forensics Expert
64. When Do-It-Yourself E-Discovery Isn't Enough, TRIAL magazine
65. Piecing Together the E-Discovery Plan, TRIAL magazine

**References on request.**

**Achievement awards and honors on request.**

**Matters in Which Craig Ball has Served as a Court-Appointed Special Master or Neutral  
or Testified as an Expert or in Connection with Computer Forensics/Electronic Evidence**

1. **Meyer v. Brown; Harris County, TX, Judge Baker; (Court's Neutral)**
2. In Re: Enron and Arthur Andersen Secs. Litigation; USDC SDTX (Lead Plaintiff's Counsel's ESI expert)
3. In Re: Tyco Securities Litigation; USDC NH (Lead Plaintiff's Counsel's ESI Expert)
4. **American Express v. Americap; USDC SDTX (Court's Special Master)**
5. **TXU v. Whittaker et al.; 151st Harris County, TX (Court's Special Master)**
6. Miller et al. v. Highland Medical Center; 295th JDC, Harris County, TX (Plaintiff's Counsel's Expert)
7. **Barnes v. Kissner; 190th JDC; Harris County, TX (Court's Neutral)**
8. BP Texas City Explosion Litigation, Galveston, TX (Joint Prosecution Group's Expert)
9. Chart Industries v. Runyan and Applied Hydrocarbon Systems; USDC SDTX (Plaintiff's Expert)
10. Key Energy v. Crisp; USDC Midland, TX (Plaintiff's Counsel's Expert)
11. **Broussard v. Dunlap; 190th Harris County, TX (Court's Neutral)**
12. State Bar of Texas v. [Attorneys Under Investigation]; TX Office of the Disciplinary Counsel
13. In Re: Flowserve Securities Litigation; USDC NDTX (Lead Plaintiff's Counsel's Expert)
14. **Grooms v. Montelaro; 295th, Harris County, TX (Court's Special Master)**
15. Luk v. Eisner; 11th, Harris County, TX (Defense Counsel's Expert)
16. **MJCM, LLC. v. Floyd and Associates. Harris County, TX (Court's Neutral)**
17. PowerTrain v. American Honda; USDC NDMS (Hybrid Appointment)
18. **Shue v USAA et al; Kendall County, TX (Court's Special Master)**
19. In Re: Sirna Therapeutics Litigation; USDC NDCA (Defense Counsel's Expert)
20. **Yeh v. McDougal; 333rd Harris County, TX (Court's Neutral)**
21. Plus Technologia, SA de CV v ACI Worldwide; Pinellas Cty., FL (Plaintiff's Counsel's Expert)
22. **Anadarko Petroleum v. Geosouthern Energy; USDC SDTX (Hybrid/Court's Neutral)**
23. **ASC v. SCI; Ft. Bend County, TX (Court's Neutral by Stipulation)**
24. **Katrina Canal Breaches Consolidated Litigation; USDC EDLA (Court's Neutral)**
25. **Sellar v. Boecker; Harris County, TX (Court's Neutral)**
26. **In Re: Seroquel Products Liability Litigation; USDC MDFL (Court's Special Master-ESI)**
27. **Daimler Trucks N.A. LLC v. Younessi; USDC OR (Court's Special Master)**
28. **MDI v. NaphCare; USDC SDMS (Court's Neutral)**
29. Baker Hughes v. Pathfinder; USDC SDTX (Defense Counsel's Expert)
30. **Bd. of Comms. of the Port of N.O. v. Lexington Ins. Co. et al.; USDC EDLA (Special Master-ESI)**
31. **Stewart & Stevenson v. McGuirt; Harris County, TX (Neutral Expert by Stipulation)**
32. Fisher et al. V. Halliburton et al.; USDC SDTX (Plaintiff Counsel's Expert)
33. Aquamar S.A. v. E.I. Du Pont de Nemours & Co.; Broward County, FL (Plaintiff's Counsel's Expert)
34. **AmWINS Brokerage of Texas, Inc. v Hildebrand; Collin County, TX (Neutral by Agreement)**
35. **Arthur v. Stern; Harris County, TX (Court's Special Master in computer forensics)**
36. **Duke Energy Int'l, LLC et al. v. Napoli; Harris County., TX (Court's Special Master)**
37. **Austin Capital Mgmt. v. Balthrop; USDC WDTX (Court's Special Master in computer forensics)**
38. Grace et al. v. DRS Sensors & Targeting Systems, Inc.; USDC MDFL (Defense Counsel's Expert)
39. **Peironnet et al. v. Matador Resources Co. et al.; Caddo Parish, LA (Court's Neutral)**
40. Camp Mystic, Inc. et al. v. Eastland et al.; Kerr County, TX (Defense Counsel's Expert)
41. **Maggette, Jacobs et al. v. BL Development et al.; USDC NDMS (Court's Special Master)**
42. Ridha et al. v. Texas A&M University et al.; USDC SDTX (Defense Counsels' Expert)
43. **In re: CityCenter Construction Litigation, Clark County, NV (Court's Special Master for ESI)**
44. In re: Bernard L. Madoff Investment Services Litigation; Bankruptcy Court SDNY (Trustee's Expert for ESI)
45. **Lexington v. Estate of John O'Quinn, Deceased; Probate Ct 2, Harris County, TX (Court's Neutral Examiner)**
46. **Allison et al. v. Exxon Mobil Corp.; Circuit Court Baltimore County, MD (Court's Special Master-ESI)**
47. **PIC Group v LandCoast, Inc.; USDC SDMS (Court's Special Master)**
48. **SSC, et al v. Halberdier, et al; Harris County., TX (Neutral by Agreement)**

49. **Houlahan v. WWASPS; USDC DDC (Court's Neutral)**
50. **M-I L.L.C. v. Stelly et al; USDC SDTX (Court's Neutral)**
51. **Coyote Springs Inv. v Pardee Homes; Clark County, NV (Court's Special Master)**
52. **Segner v. Sinclair Oil & Gas; USDC NDTX (Court's Special Master)**
53. **Adams Golf v. Reed and Callaway Golf; 296<sup>th</sup>, Collin County, TX (Court's Special Master)**
54. **Elliott v. Tetlow and MCO-I; USDC SDTX (Court's Special Master)**
55. **12001 Beamer, Ltd. V. Valtasaros; 295<sup>th</sup>, Harris County, TX (Court's Special Master)**
56. **William A. Sawyer v. Frank Gabrysch et al.; 269<sup>th</sup>. Harris County, TX (Court's Special Master)**
57. **Bridges et al. v. GES et al.; 164<sup>th</sup>, Harris County, TX (Court's Special Master)**
58. **Ramirez v. State Farm Lloyds; 206<sup>th</sup>, Hidalgo County, TX (Plaintiffs' Counsel's Expert)**
59. **In re: Forest Research Institute Cases, USDC DNJ (Plaintiffs' Counsel's Expert)**
60. **IDM v. May et al.; USDC EDVA (Plaintiffs' Counsel's Expert)**
61. **Radcliffe v. Tidal Petroleum; 218<sup>th</sup> , LaSalle County, TX (Court's Special Master)**
62. **Estate of Henry G. McMahon, Jr.; Travis County, TX (Court's Special Master)**
63. **Samame d/b/a Alamo Packing v. Arco Iris et al; USDC WDTX (Court's Special Master)**
64. **Huerta/Kodish v. BASF; Circuit Court, Cook County, IL (Court's E-Discovery Mediator)**
65. **EPAC v. Thomas Nelson, Inc.; USDC MDTN (Court's Special Master)**
66. **Gonzales and Select Caskets of Texas, Inc. v. Morris, et al.; 295<sup>th</sup>, Harris County, TX (Court's Special Master)**
67. **Ted W. Allen & Assoc. v. Norman et al.; 333<sup>rd</sup> Harris County, TX (Court's Special Master)**
68. **Preston Marshall et al. v. MarOpCo, Inc. et al.; 11<sup>th</sup>, Harris County, TX (Court's Special Master)**
69. **Marcus Huey et al. v. EQT Production Company, et al.; Wetzel County, WV (Defense Counsel's Expert)**
70. **Ravago Americas LLC v. Vinmar International LTD et al.; USDC SDTX (Court's Special Master)**
71. **In re: Allergan TBI Products Products Liability Litigation; USDC DNJ (Plaintiff's Counsel's Expert)**
72. **Dawkins and Hunt v, Crawford; Probate Court No. 1 of Travis County, TX (Court's Special Master)**
73. **Reliant Recycling v. Louisiana Scrap LLC; USDC EDLA (Neutral Examiner)**
74. **BCBS of Mississippi v. Coast Diagnostics; USDC SDMS (Court's Neutral)**

**2023 Rate Sheet for Craig D. Ball, P.C., A Texas Professional Corporation based in Austin, Texas**

**Terms of engagement** are at <http://www.craigball.com/terms.html> and govern all engagements. Client is counsel, not parties to the claim or suit.

**Standard Rate** is \$750.00/hour plus reasonable and customary out-of-pocket expenses, net 30.

Billable hours include time spent in transit for Client or otherwise in connection with this engagement, provided however that travel time will be billed at one-half (50%) of the standard rate unless substantive work, research or discussions in support of the engagement are performed while traveling, in which case such activities will be billed at the full standard rate.

**Engagement Fee:** Craig D. Ball, P.C. requires seven thousand five hundred dollars (\$7,500.00) as a non-refundable engagement fee be tendered with Client Obligor's execution of the Standard Consulting Agreement. The engagement fee is earned when received for forbearance of engagement but will be credited against sums due and owing for consulting fees under the agreement and further sums may be required as retainers when the engagement fee credit is exhausted.